

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**MARTHA HOLMES,**

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**Plaintiff,**

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**Civil No. 3:11-cv-0594**

**v.**

)

**Judge Sharp**

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**ALIVE HOSPICE, INC.**

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**Defendant.**

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**Order**

For the reasons set forth in the accompanying memorandum, Defendant's Motion for Summary Judgment as to Plaintiff's Complaint (Docket No. 38) is hereby GRANTED in part and DENIED in part as follows:

- (1) With respect to Plaintiff's ADA Disability Discrimination claim, the motion is GRANTED.
- (2) With respect to Plaintiff's ADA Retaliation claim, the motion is GRANTED.
- (3) With respect to Plaintiff's FMLA Interference Claim, the motion is GRANTED.
- (4) With respect to Plaintiff's FMLA Retaliation claim, the motion is DENIED as to Plaintiff's claim that her demotion and termination constituted retaliation, and GRANTED as to Plaintiff's claim that Defendant's failure to hire her for the position of authorization nurse coordinator constituted retaliation.

It is SO ORDERED.

*Kevin H. Sharp*

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE